

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:

CASE NO.: 8:15-bk-07012-KRM

PK FAMILY FUN CENTER CORP  
D/B/A PK'S PLAY ZONE AND GRILLE,

CHAPTER 11

Debtor.

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**EMERGENCY MOTION TO ENFORCE AUTOMATIC STAY**

The Debtor, PK FAMILY FUN CENTER CORP D/B/A PK'S PLAY ZONE AND GRILLE (the "Debtor"), by and through its undersigned counsel, hereby files its Motion for Enforce Automatic Stay (the "Motion"). In support of this Motion, the Debtor respectfully states as follows:

**JURISDICTION**

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. The subject matter of this Motion is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper in this district pursuant to 28 U.S.C. § 1408. The statutory predicates for the relief sought herein include sections 105, 362, 363, 541, and 1108 of the United States Bankruptcy Code, 11 U.S.C. § 101 et. seq. ("Bankruptcy Code"). No previous application for the relief sought herein has been made by the Debtor to this Court or any other court.

**BACKGROUND**

2. The Debtor filed for protection under Chapter 11 of the United States Bankruptcy Code (the "Code") on July 6, 2015 (the "Petition Date").

3. The Debtor continues to operate its business and manage its properties as a debtor in possession pursuant to §§ 1107(a) and 1108 of the Code.

4. The Debtor is a Florida corporation with its principal place of business in Tampa, Florida and is currently owned and operated by Pramod Kerkar.

5. The Debtor occupies approximately 42,120 square feet of space and employs 60 people. The Debtor is an amusement/entertainment center with a restaurant and bar. The Debtor features several attractions such as a bowling area, rock climbing wall, sky trail, laser tag arena, bumper cars, and billiard area. The Debtor has an arcade area and space that is typically reserved for corporate functions and birthday parties. Further information regarding the Debtor can be found at [www.pkplayzone.com](http://www.pkplayzone.com).

6. The Debtor opened its business in late February, 2015. However, due to delays in construction, commercially unreasonable and potentially invalid contracts and negative feedback on social media, the Debtor currently operates at a loss and seeks to restructure its debt in Chapter 11.

#### **RELIEF REQUESTED AND GROUNDS FOR RELIEF**

6. The Debtor engages in the business of operating attractions, arcade games and a restaurant. The Debtor uses a central point of sale software system known as Embed Card System Software (“Embed”) to operate its entire business.

7. The Debtor paid \$40,100 directly to Embed USA, LLC for its license to use the Embed system. Copies of the License & Support Agreement for Embed Card System Software is attached hereto as composite Exhibit “A”.

8. The Debtor also allegedly entered into contract with All Florida Amusement, Inc. (“AFA”) to lease certain arcade and video game machines, a copy of the purported contract is attached hereto as Exhibit “B”. The arcade and video game machines also operate on Embed.

9. Essentially, Embed controls all sales and keeps records necessary for refunds, taxes, and financial documentation. A dispute arose between the Debtor and AFA with regards to the amount due to AFA pursuant to their alleged agreement and the pricing of the video game machines.

10. Upon information and belief, AFA contacted Embed USA, LLC and wrongfully shut down Debtor’s administrative access to the Embed system.

11. The Embed system controls all facets of property of the estate. Administrative Access to Embed is essential because the Debtor is on a quarterly sales tax payment schedule and the Debtor does not have access to print several reports needed to prepare and file the sales tax return timely, and now the Debtor is behind in its sales tax payments. Additionally, the Debtor is experiencing cash management issues and needs to print reports 2 to 3 times per day to control cash and cashiers, which it cannot do with proper access rights. Moreover, the Debtor cannot currently verify cash collections for bank deposits on a daily basis. These are just a few examples of how Debtor’s administrative access is needed on a daily basis.

12. Termination of administrative access to Embed has caused severe and irreparable damage to the business of the Debtor. As a result of the issues with Embed the Debtor is unable to track parties and give refunds, which has led to embarrassing negative feedback on social media. Immediate use and administrative access to Embed is essential for the Debtor as Debtor in possession to operate the business and reorganize under Chapter 11.

13. The current restriction of the Embed system constitutes a violation of the automatic stay under section 362(a)(3) of the Bankruptcy Code because it allows third parties and creditors such as Embed and AFA to exercise control over property of the estate.

14. The Debtor is requesting emergency relief because immediate administrative access is necessary to continue business operations.

WHEREFORE, PK FAMILY FUN CENTER CORP D/B/A PK'S PLAY ZONE AND GRILLE respectfully requests this honorable enter an order granting the relief requested herein and for such other further relief the court deems just and proper.

Dated: July 7, 2015

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically to the U.S. Trustee, counsel for All Florida Amusements, Inc. at [tjd@thomasjdonnelly.com](mailto:tjd@thomasjdonnelly.com), Embed USA LLC, c/o Phil Showler, [phils@embedcard.com](mailto:phils@embedcard.com) and has been furnished via US Mail to All Florida Amusements Inc., 2676 Crystal Cir., Dunedin, FL 34698, All Florida Amusements, Inc. c/o Attorney Tom Donnelly, 1172 Brownell Street, Clearwater, FL 33756, Embed North & South America, Helix Leisure USA Inc. 2015 McKenzie Dr., Suite 106 Carrollton, TX 75006 and the Debtor on this 7th day of May, 2015.

/s/ Jake C. Blanchard  
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